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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems and) MM Docket No. 87-268
Their Impact Upon the Existing)
Television Broadcast Service)

**OPPOSITION AND REPLY COMMENTS OF
THE ELECTRONIC INDUSTRIES ASSOCIATION AND
THE EIA ADVANCED TELEVISION COMMITTEE**

The Electronic Industries Association ("EIA") and the EIA Advanced Television Committee ("ATV Committee") hereby submit the following opposition and reply comments in response to the petitions for reconsideration filed in connection with the *Fifth Report and Order* and *Sixth Report and Order* in the above-captioned proceeding.¹

I. INTRODUCTION

The *Fifth Report and Order* and *Sixth Report and Order*, in adopting rules for the implementation of digital television service ("DTV") in the United States, represent the culmination of over a decade of effort by the Federal Communications Commission ("Commission") and American industry. With the allotment and assignment of digital broadcast channels and the announcement of service rules, the transition to digital broadcasting can now truly begin. The Commission is to be acknowledged for its unremitting commitment to bringing

¹ *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, Fifth Report and Order, MM Docket 87-268, FCC 97-116 (rel. Apr. 21, 1997) ("*Fifth Report and Order*"); *Advanced Television Systems and Their Impact Upon the Existing Television Broadcasting Service*, Sixth Report and Order, MM Docket 87-268, FCC 97-115 (rel. Apr. 21, 1997) ("*Sixth Report and Order*").

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television into the digital age, and EIA and the ATV Committee applaud the hard work and dedication shown by Commission staff throughout this proceeding.

EIA is the principal trade association of the U.S. electronics industry. The ATV Committee is composed of a diverse group of organizations, including developers, manufacturers, vendors, and installers of equipment used in the broadcast, cable television, satellite, telecommunications, and consumer electronics industries, as well as providers of video delivery services. EIA and the ATV Committee are confident that the rules set forth in the *Fifth Report and Order* and *Sixth Report and Order* will enable the most rapid possible transition to digital broadcasting. However, we wish to take this opportunity to comment upon a number of points raised by various parties in their Petitions for Reconsideration.

II. THE COMPETITIVE MARKETPLACE WILL ENSURE THE DEVELOPMENT OF HIGH-PERFORMANCE DTV RECEIVERS; MANDATORY PERFORMANCE REQUIREMENTS ARE NOT NECESSARY

EIA and the ATV Committee wish to respond to those few parties calling for the imposition of mandatory performance requirements on DTV receivers. Specifically, a small number of petitioners urge the Commission to ensure that DTV receivers conform to mandatory minimum standards with respect to noise figures, tuner performance, and other issues.² These parties argue that performance mandates are necessary so that the planning factors on which the channel allocations were based result in the best possible service to the public.

² See, e.g., Petition for Clarification and Partial Reconsideration of the Association for Maximum Service Television and the Broadcasters' Caucus at 44 (Jun. 13, 1997) ("MSTV/BC Petition"); Petition for Reconsideration of Paxson Communications Corporation et. al. at 7-9 (Jun. 13, 1997).

EIA and the ATV Committee understand the concerns of broadcasters who wish to serve the widest possible coverage areas. However, we have no doubt that the very same competitive market dynamics that currently ensure that manufacturers produce analog sets with adequate reception performance will also apply to digital receivers. A manufacturer would be foolhardy indeed to introduce a receiver to the marketplace which fails to live up to customer expectations. Consequently, it is unnecessary for the Commission to impose mandatory performance requirements on digital receivers.

In addition, such performance requirements would directly impair consumer interests by imposing additional costs on every single DTV consumer, requiring each consumer to pay for extra components that might improve reception for only a small number of viewers on the fringe of a given service area. With respect to DTV viewers in fringe areas (and recognizing that, no matter what a given broadcaster's service area, there will *inevitably* be an area of "fringe" reception) we are confident that the free market will continue to provide a myriad of effective and economical options for improving reception in these areas just as it has done with NTSC broadcasts.

However, should minimum performance levels for DTV receivers someday appear necessary, EIA stands ready to develop voluntary standards. Such voluntary industry standard setting, if and when necessary, has worked successfully over the past half-century with respect to the NTSC broadcast system.

III. CABLE COMPATIBILITY WITH BROADCAST DTV SHOULD BE ENCOURAGED THROUGH THE VOLUNTARY INDUSTRY STANDARDS PROCESS

EIA and the ATV Committee also wish to comment on the request made by a number of parties that the Commission take affirmative steps to ensure the adoption of digital technologies by the cable industry that are compatible with the digital broadcast television standard.³ Specifically, the Commission was urged to adopt firm principles to ensure the harmonization of the SCTE standard with the DTV transmission standard, and to arrive at the details through a separate FCC proceeding.

Compatibility is an issue critical to the success of digital television. EIA and the ATV Committee support maximum harmonization between DTV broadcast transmission standards and those of cable and other MVPD providers. Widespread acceptance of a compatible standard will facilitate the deployment of DTV by minimizing the equipment that consumers will have to buy to enjoy DTV programming. Conversely, the existence of multiple incompatible standards would dampen enthusiasm for DTV by forcing consumers to cope with the complexity, confusion, and expense of choosing the correct mix of service and equipment.

EIA and the ATV Committee believe that the compatibility issues presented by cable systems are most effectively addressed by broadcasters, cable operators and equipment manufacturers operating through voluntary industry standards processes. Indeed, numerous industry groups, including the EIA Consumer Electronics Manufacturers Association and the National Cable Television Association's Joint Engineering Committee, are currently making progress in promoting interoperability between digital broadcast and digital cable standards.

³ See MSTV/BC Petition at 47.

Although a separate FCC proceeding on this issue does not appear to be necessary at this time, we urge the Commission to continue to closely monitor this issue and ensure that the current progress toward compatibility is sustained.

IV. THE COMMISSION SHOULD DEFER ANY ACTION ON CHANNEL LABELING UNTIL INDUSTRY HAS HAD THE OPPORTUNITY TO DEVELOP A PLAN

The Commission has been requested to take a more affirmative role with respect to the development of proposals for channel labeling through the establishment of a process to ensure rapid resolution of this issue.⁴ EIA and the ATV Committee are keenly aware of the importance of this issue to a successful transition to DTV. Consumers are familiar and comfortable with the existing NTSC channel labeling scheme. To facilitate consumer adoption of DTV, any new scheme must be similarly easy to assimilate and use. A successful transition will require an extensive amount of coordination among and across various transmission media. For example, if the DTV labeling plan is not fully coordinated between broadcasters and cable operators, consumers will have a much harder time acclimating to the DTV environment.

A channel labeling plan is currently being developed within the ATSC's Technology Group on Distribution. This effort is benefitting from extensive cross-industry participation by the broadcasting, cable and manufacturing industries. EIA and the ATV Committee suggest that the Commission defer any action on the channel labeling plan until this inter-industry group completes its work and recommends a new plan.

⁴ See MSTV/BC Petition at 48.

V. THE COMMISSION SHOULD TAKE WHATEVER PREEMPTION ACTION IS NECESSARY TO ALLOW TIMELY CONSTRUCTION OF ANTENNA TOWERS FOR DTV

Various broadcaster interests have filed a petition urging the Commission to adopt a rule preempting certain state and local restrictions on the construction or modification of antenna towers.⁵ The broadcasters have correctly identified tower siting as a significant potential obstacle to the timely introduction of terrestrial DTV. EIA and the ATV Committee urge the Commission to take whatever actions regarding state and local tower siting regulations that it deems necessary to meet the DTV construction timetable set forth in the *Fifth Report and Order*, as a way of ensuring that DTV implementation occurs within the Commission's agreed-upon timeline.⁶

⁵ See Petition for Further Notice of Proposed Rule Making of the National Association of Broadcasters and the Association for Maximum Service Television at 32 (May 30, 1997).

⁶ See *Fifth Report and Order* at ¶ 76.

VI. CONCLUSION

For all of the reasons set forth above and in our prior filings in this proceeding, EIA and the ATV Committee urge the Commission to decline to impose mandatory performance requirements on DTV receivers, and to adopt the minimum changes to the *Fifth Report and Order* and the *Sixth Report and Order* necessary to promote the expeditious transition to DTV.

Respectfully submitted,

ELECTRONIC INDUSTRIES ASSOCIATION
ADVANCED TELEVISION COMMITTEE

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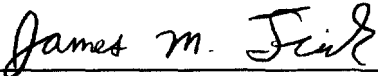
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CERTIFICATE OF SERVICE

I, James M. Fink, hereby certify that a copy of the foregoing "Opposition and Reply Comments of The Electronic Industries Association and The EIA Advanced Television Committee" in MM Docket No. 87-268 was served by First-Class United States mail, postage prepaid, upon the parties appearing on the attached service list this 18th day of July, 1997.



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